

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RUDOLPH LEMAL NUNNALLY,

Petitioner,

v.

1:17-cv-3750-WSD

FREDRICK J. HEAD,

Respondent.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Linda T. Walker's Final Report and Recommendation [2] ("Final R&R"). The R&R recommends the Court administratively close the action.

Rudolph Lemal Nunnally ("Petitioner") is a state prisoner who, *pro se*, filed a petition for writ of habeas corpus in Nunnally v. Head, No. 1:17-cv-3304-WSD-LTW (N.D. Ga. Aug. 4, 2017). The Court in that action recently denied Petitioner's motion for leave to proceed *in forma pauperis*, and ordered him to pay the five-dollar filing fee and file an amended petition containing additional information. Id. at [6].

On September 25, 2017, Petitioner filed an amended petition, but did not list the Court's case number on it. The Clerk thus created this new action for the amended petition. On September 29, 2017, the Magistrate Judge issued her Final

R&R recommending administratively closing the case “to avoid duplication and waste of resources.” No objections to the Final R&R were filed.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982) (per curiam). A district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). Where, as here, no party has objected to the report and recommendation, the Court conducts only a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983) (per curiam).

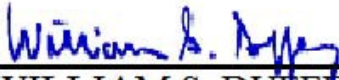
The Court finds no plain error in the Magistrate Judge’s findings and recommendation.

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge Linda T. Walker’s Final Report and Recommendation [2] is **ADOPTED**.

IT IS FURTHER ORDERED that this case, 1:17-cv-3750-WSD, be **ADMINISTRATIVELY CLOSED** and that Petitioner’s habeas corpus petition proceed in 1:17-cv-3304-WSD-LTW.

SO ORDERED this 31st day of October, 2017.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE